

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Steve Morris at 11:00 a.m. on March 30, 2001 in Room 123-S of the Capitol.

All members were present except: Senator Jim Barone - Excused

Committee staff present:

Debra Hollon, Kansas Legislative Research Department
Amory Lovin, Kansas Legislative Research Department
Audrey Nogle, Kansas Legislative Research Department
Michael Corrigan, Assistant Revisor, Revisor of Statutes Office
Julie Weber, Administrative Assistant to the Chairman
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Nancy Holt, Chair, Executive Committee for the 1999 Board of Directors

Others attending: See attached guest list

Chairman Morris called the Committee's attention to discussion of:

HB 2493--Kansas state fairgrounds repair and reconstruction

Senator Huelskamp moved, with a second by Senator Jordan, to pass **HB 2493** as favorable. Motion carried by a roll call vote.

HB 2283--Attorney for board of adult care home administrators appointed by the attorney general

Senator Salmans moved, with a second by Senator Huelskamp, to pass **HB 2283** as favorable. Motion carried by a roll call vote.

Bill Introduction

Senator Salmans moved, with a second by Senator Huelskamp, to introduce a bill (1rs1244) concerning credentialing of health care providers; allowing health care providers to apply for credentialing with the appropriate state agency. Motion carried by a voice vote.

Chairman Morris opened the public hearing on:

Sub for HB 2532--State historical society, clarification of state agency status, executive director selection and appointment

Staff briefed the committee on the bill.

Chairman Morris welcomed Nancy Holt, Chairperson, Executive Committee of the Kansas State Historical Society, Inc., who spoke in support of **HB 2532** (Attachment 1).

Chairman Morris acknowledged Susan Mahoney, Governor's Office, who mentioned that the Governor's Office is in support of the bill as it came out of the House Appropriations Committee except that they would like to see the floor amendments removed.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS on March 30, 2001 in Room 123-S of the Capitol.

There being no further conferees to appear before the Committee, the Chairman closed the public hearing on **Sub for HB 2532**.

Senator Adkins moved, with a second by Senator Kerr, to amend **Sub for HB 2532** on page 3, subparagraph (3), strike the second sentence beginning "In addition to other ..." and on page 28 strike the words "for cause". Motion carried by a voice vote.

The Committee discussed the Revisor's suggestion concerning a reference to "term of office".

Senator Adkins moved, with a second by Senator Kerr, moved to amend **Sub for HB 2532** on page 3, line 16, to strike the sentence beginning "A person ..." through the end of the sentence. Motion carried by a voice vote.

Senator Adkins moved, with a second by Senator Kerr, to pass Sub for **HB 2532** favorable as amended. Motion carried by a roll call vote.

The meeting was adjourned at 11:25 a.m. The next meeting is scheduled for April 5, 2001.

**SENATE WAYS AND MEANS COMMITTEE
GUEST LIST**

DATE March 30, 2001

NAME	REPRESENTING
Terrie Rublman	K.S. Adult Care Executives
Mary Alice Linn	K'S State Fair
Cheryl Collins	Kansas State Historical Society
Doreen Lindcheffel	Kansas State Historical Society
Maurye Turbinette	Kansas State Historical Society
Nancy Holt	Kansas State Historical Society
KEN METZGER, CEO	KANSAS STATE HISTORICAL SOCIETY, INC.
W. Stitt Robinson	Kansas State Historical Society
Ramon Powers	Kansas State Historical Society
Trista Bendles	Office of the Governor
Jb. Scott	SFS

Testimony before the Senate Ways and Means Committee on Friday, March 30, 2001 in support of the Sub HB 2532 regarding the governance of the Kansas State Historical Society.

Good morning Chairman Morris, members of the committee. My name is Nancy Holt, Chair of the Executive Committee of the Kansas State Historical Society, Inc. With me today are members of the board of directors, Executive Director, Dr. Ramon Powers and CEO of the private society, Dr. Ken Metzger to show our support for Sub HB 2532.

The KSHS, Inc. believes that this bill clarifies the language of the old statutes and incorporates changes made by the KSHS, Inc. in response to the Post Audit Survey done in the summer 1999. At the annual meeting of the board of directors of the KSHS, Inc., in November of 2000, the board directed a committee appointed by me to draft a bill that spoke to three issues: the acknowledgment that the Society is an agency of the state; distinguish between the property holdings of the State Society and that of the KSHS, Inc.; and finally, to write language in the bill that deals with the hiring and termination of the Executive Director of the Society incorporating the Governor in the process as reflected in our bylaws.

We feel that this bill speaks to all of those issues, clearly and as definitively as any legislation can. The bill clarifies what the KSHS, Inc. has always understood as the role of the Governor (the State) regarding the position of the Executive Director and further delineates a process for which the Executive Director is appointed and terminated.

As many of you who have served on the Society's budget committee know, the Society has followed all the procedures that all other departments and agencies of the State must go through for appropriations which includes budget hearings, budget appeals, budget cuts and audits of the expenditures every year. Nothing has ever been found during these audits to be in error. In the statutes, though, the Society is not formally recognized as a state agency. Section 1, (4)(e), page 2 of the bill makes this clear.

Very clear in Section 1, 4 (c through e) is the distinction between properties owned by the State Society and that of the private corporation, KSHS, Inc. This follows the internal policies and procedures adopted by the Society and

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KSHS, Inc. over the past years and applicable present statutes. The intent of the KSHS, Inc. in receiving any donation for the Society is to provide the donor with the assurance that their donation will become part of the collection of the State Society or to be used as stated by the donor. Sometimes this involves the donation to be a charitable gift with income tax credit for the donor and the non-profit corporation facilitates this transfer.

Lastly, the Executive Director shall be appointed by the Governor, subject to confirmation by the Senate, from a list of three qualified candidates submitted by the Executive Committee of the KSHS, inc. If those three candidates do not meet the governor's approval, a new list of three more candidates shall be submitted until one is approved by the governor. An evaluation of the Executive Director is completed by the executive committee of the KSHS, Inc. each year and forwarded to the governor. This has been done for many years. Section 1, (4) (f) (1-3) allows for the removal of the Executive Director which was never delineated before.

A committee made up of Executive Committee members and members of the board of directors consisting of Michael Hoeflich, board member and past dean of the KU law school; Glee Smith, attorney, board member, past legislator; Brian Moline, attorney, board member; Martha Gannon, board member; Betty Lou Duncan, board member; Kenny Wilk, governor's appointee from the House of Representatives on the Executive Committee; Alicia Salisbury, governor's appointee from the Senate on the Executive Committee; Ken Metzger, CEO of the KSHS, Inc., and myself drafted this bill with advice from the Society's lawyers, Tom Wright and Ann Baker. We feel that this is good bill that speaks to the concerns of all. We ask that you look favorably on it and pass it to the full Senate as written. Thank you.